

## AMENDMENT TRANSMITTAL LETTER (Small Entity)

Docket No.

Ackrad-5

Applicant(s):

Serial No.  
09/449,094Filing Date  
November 24, 1999Examiner  
C. SerkeGroup Art Unit  
3763

Invention: SINGLE LUMEN BALLOON CATHETER APPARATUS

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TECHNOLOGY CENTER R3763TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.

A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed.

The fee has been calculated and is transmitted as shown below.

## CLAIMS AS AMENDED

|  | CLAIMS REMAINING<br>AFTER AMENDMENT | HIGHEST #<br>PREV. PAID FOR | NUMBER EXTRA<br>CLAIMS PRESENT | RATE      | ADDITIONAL<br>FEE |
|--|-------------------------------------|-----------------------------|--------------------------------|-----------|-------------------|
| TOTAL CLAIMS   | 19 -                                | 23 =                        | 0                              | x \$9.00  | \$0.00            |
| INDEP. CLAIMS  | 2 -                                 | 3 =                         | 0                              | x \$42.00 | \$0.00            |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> |                                     |                             |                                |           | \$0.00            |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT                                  |                                     |                             |                                |           | \$0.00            |

No additional fee is required for amendment.

Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_  
A duplicate copy of this sheet is enclosed.

A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. \_\_\_\_\_  
A duplicate copy of this sheet is enclosed.

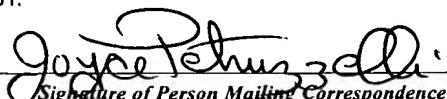
Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 CFR 1.17.

Dated: March 31, 2003

Signature

I certify that this document and fee is being deposited on March 31, 2003 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

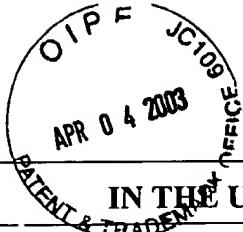


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cc:



N0689/7

| IN THE UNITED STATES PATENT AND TRADEMARK OFFICE |                             |
|--|-----------------------------|
| In re application of: Ackerman                   | Examiner: C. Serke<br>4-8   |
| Serial No.: 09/449,096                           | Group Art Unit: 3763<br>D3  |
| Filed: 11/24/99                                  | Docket No.: Ackrad-5<br>#12 |
| For: SINGLE LUMEN BALLOON<br>CATHETER APPARATUS  | Date: March 31, 2003        |

Commissioner for Patents  
Washington, DC 20231

Sir:

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#### REPLY

This communication is responsive to the Office Action dated December 31, 2002 having a shortened statutory period for reply set to expire on March 31, 2003.

#### REMARKS

Claims 1-7, 9, and 11-23 are pending. Of these claims, claims 17-21 stand withdrawn from consideration and claims 1-7, 9, 11-16, 22, and 23 stand rejected.

Claim 1 stands rejected under 35 USC 103 (a) as being unpatentable over U.S. Patent 5,100,382 to Valtchev.

Claim 1 calls for the external opening adjacent the first end (of the tubular body or catheter) to generate a back-flow within the lumen which causes the fluid to enter and inflate the balloon through the second opening (which is in communication with the interior of the balloon).

In contrast, Valtchev in the embodiment of Fig. 7, teaches a first fluid communication passageway 13 extending with an elongated member to a barrier 15 and a second fluid